



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

) Group Art Unit: 3735

TERRY, Alvin Mark

) Examiner: WINAKUR, Eric Frank

Serial No.: 10/645,046

) **RESPONSE TO NOTICE OF NON-**
)) **COMPLIANT AMENDMENT**

Filed: August 21, 2003

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Confirmation No.: 6537

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Atty. File No.: 41942-05541

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For: "CEPSTRAL DOMAIN PULSE
OXIMETRY"

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CERTIFICATE OF MAILING

Mail Stop AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Applicant submits this paper in response to the Notice of Non-Compliant Amendment having a mailing date of February 3, 2006. Although Applicant believes an extension of time is not required, please consider this a petition for an extension of time under 37 C.F.R. 1.136 required, if any, to maintain the pendency of the application and charge the extension fees due, if any, to Deposit Account No. 50-1419.

In the Notice of Non-Compliant Amendment, it was indicated that Applicant's Amendment and Response mailed on January 23, 2006, failed to comply with 37 C.F.R. 1.121. Accordingly, presented below is a complete listing of the claims, including withdrawn Claims 10-36, marked up to show the amendments presented in Applicant's Amendment and Response. Applicant's prior remarks follow the listing of the claims. Also, submitted herewith is another Submission of Formal Drawings together with the formal drawings identified as replacement sheets in the top margin.